

Fill in this information to identify the case:

United States Bankruptcy Court for the:

_____ District of Nebraska
(State)

Case number (if known): _____ Chapter 7

☐ Check if this is an amended filing

Official Form 205

Involuntary Petition Against a Non-Individual

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

1. Chapter of the Bankruptcy Code

Check one:

☒ Chapter 7

☐ Chapter 11

Part 2: Identify the Debtor

2. Debtor's name Abengoa Bioenergy of Nebraska, LLC

3. Other names you know the debtor has used in the last 8 years Nordic Biofuels of Ravenna, L.L.C.

Include any assumed names, trade names, or doing business as names.

4. Debtor's federal Employer Identification Number (EIN)

☒ Unknown

EIN _____

5. Debtor's address

Principal place of business

16150 Main Circle Drive
Number Street

Suite 300

Chesterfield MO 63017
City State ZIP Code

St. Louis
County

Mailing address, if different

Number Street

P.O. Box

City State ZIP Code

Location of principal assets, if different from principal place of business

Number Street

City State ZIP Code

Debtor Abengoa Bioenergy of Nebraska, LLC
Name

Case number (if known) _____

6. Debtor's website (URL) _____

7. Type of debtor
- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
- ☐ Partnership (excluding LLP)
- ☐ Other type of debtor. Specify: _____

8. Type of debtor's business
- Check one:
- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the types of business listed.
- ☐ Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?
- ☒ No
- ☐ Yes. Debtor _____ Relationship _____
- District _____ Date filed _____ Case number, if known _____
- MM / DD / YYYY
- Debtor _____ Relationship _____
- District _____ Date filed _____ Case number, if known _____
- MM / DD / YYYY

Part 3: Report About the Case

10. Venue
- Check one:
- ☒ Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations
- Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).
- The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).
- At least one box must be checked:
- ☒ The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
- ☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?
- ☒ No
- ☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

Debtor Abengoa Bioenergy of Nebraska, LLC
Name

Case number (if known) _____

13. Each petitioner's claim	Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
	<u>Gavilon Grain, LLC</u>	<u>Money Due Grain Sold</u>	<u>\$ 2,276,743.75</u>
	<u>Farmers Cooperative Association</u>	<u>Money Due Grain Sold</u>	<u>\$ 362,269.00</u>
	<u>The Andersons, Inc.</u>	<u>Money Due Grain Sold</u>	<u>\$ 1,434,813.38</u>
	Total of petitioners' claims		<u>\$ 4,073,826.13</u>

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

Part 4: Request for Relief

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the Information is true and correct.

Petitioners or Petitioners' Representative

Name and mailing address of petitioner

Gavilon Grain, LLC
Name
1331 Capitol Avenue
Number Street
Omaha NE 68102
City State ZIP Code

Name and mailing address of petitioner's representative, if any

William M. Vernon
Name
1331 Capitol Avenue
Number Street
Omaha NE 68102
City State ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/01/2016
MM / DD / YYYY

☒ /s/ William M. Vernon

Signature of petitioner or representative, including representative's title

Attorneys

James J. Niemeier, Esq.
Printed name

McGrath North Mullin & Kratz, PC LLO
Firm name, if any

1601 Dodge Street, Suite 3700
Number Street

Omaha NE 68102
City State ZIP Code

Contact phone 402-341-3070 Email jniemeier@mcgrathnorth.com

Bar number 18838

State NE

☒ /s/ James J. Niemeier
Signature of attorney

Date signed 02/01/2016
MM / DD / YYYY

Debtor Abengoa Bioenergy of Nebraska, LLC
Name

Case number (if known) _____

Name and mailing address of petitioner

Farmers Cooperative Association

Name

35885 Ravenna Road

Number Street

Ravenna

NE

68869

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Pamela M. Treffer, CEO

Name

35885 Ravenna Road

Number Street

Ravenna

NE

68869

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/01/2016
MM / DD / YYYY

☒ /s/ Pamela M. Treffer

Signature of petitioner or representative, including representative's title

James J. Niemeier, Esq.

Printed name

McGrath North Mullin & Kratz, PC LLO

Firm name, if any

1601 Dodge Street, Suite 3700

Number Street

Omaha

NE

68102

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Contact phone 402-341-3070 Email jniemeier@mcgrathnorth.com

Bar number 18838

State NE

☒ /s/ James J. Niemeier

Signature of attorney

Date signed 02/01/2016
MM / DD / YYYY

Name and mailing address of petitioner

The Andersons, Inc.

Name

480 W. Dussell Drive

Number Street

Maumee

OH

43537

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Naran Burchinow, Sr. VP, Gen. Counsel & Secretary

Name

480 W. Dussell Drive

Number Street

Maumee

OH

43537

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/01/2016
MM / DD / YYYY

☒ /s/ Naran Burchinow

Signature of petitioner or representative, including representative's title

James J. Niemeier, Esq.

Printed name

McGrath North Mullin & Kratz, PC LLO

Firm name, if any

1601 Dodge Street, Suite 3700

Number Street

Omaha

NE

68102

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Contact phone 402-341-3070 Email jniemeier@mcgrathnorth.com

Bar number 18838

State NE

☒ /s/ James J. Niemeier

Signature of attorney

Date signed 02/01/2016
MM / DD / YYYY